



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

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www.commerce.wa.gov

August 23, 2011

Nick St. Angelo, Director
Division of Energy Assistance
Office of Community Services/ACF/HHS
370 L'Enfant Promenade, South West
Washington, DC 20447

Dear Mr. St. Angelo:

I am pleased to submit the state of Washington's Detailed Model Plan for the 2012 Fiscal Year Low Income Home Energy Assistance Program (LIHEAP) Block Grant. The Washington State Department of Commerce (Commerce) is responsible for the program's administration.

I certify that the state of Washington will comply with the 16 assurances contained in Title XXVI, Section 2605(b), of the Omnibus Budget Reconciliation Act of 1981, as amended, in the administration and operation of its Low Income Home Energy Assistance Program. Additional certifications for lobbying, debarment and suspension, and drug-free workplace are enclosed.

Commerce's Entity Identification Number (EIN) is: 91-082-3820. The names, addresses, and telephone numbers of the program contact persons are listed below:

Cinqué Finnie, LIHEAP Program Manager
Commerce Community Services and Housing Division
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Nick St. Angelo
August 23, 2010
Page Two

If you have any additional questions regarding our plan, please contact Diane Klontz ,
Community Economic Opportunity (CEO) Managing Director, at 360-725-4142 or me at (360)
725-2910.

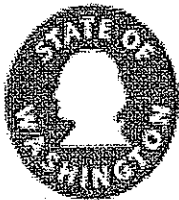
Sincerely,



Dan McConnon,
Assistant Director, Community Services and Housing Division

Enclosures (3)

cc: Washington State Congressional Delegation
Rogers Weed, Commerce Director
Diane Klontz, Commerce CEO Managing Director



Department of Commerce

Innovation is in our nature.

1011 Plum Street Southwest
Post Office Box 42525
Olympia, Washington 98504-2525

Washington State Plan for the 2012 Low Income Home Energy Assistance Program

**Dan McConnon, Assistant Director
Community Services and Housing Division**

May, 2012

Diane Klontz, Managing Director
Cinqué Finnie, Program Manager
Telephone (360) 725-2855

TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGE</u>
CONGRESSIONAL PROGRAM ASSURANCES	5
USE OF FUNDS.....	10
ALTERNATE USE OF CRISIS ASSISTANCE.....	14
ELIGIBILITY	14
OUTREACH	21
COORDINATION.....	22
BENEFIT LEVELS/DETERMINATION OF BENEFITS	22
TYPE OF ASSISTANCE	29
TYPE OF RULES.....	29
AGENCY DESIGNATION.....	31
TARGETTING OF ASSISTANCE.....	32
ENERGY SUPPLIERS.....	34
OWNERS AND RENTERS	37
PROGRAM, FISCAL MONITORING, AND AUDIT	38
TIMELY AND MEANINGFUL PUBLIC PARTICIPATION.....	40
PUBLIC HEARINGS	40
FAIR HEARINGS	41
ALTERNATE OUTREACH AND INTAKE.....	42
LEVERAGING.....	44
PERFORMANCE GOALS AND MEASURES.....	48
EXHIBITS	

ATTACHMENTS

- A.) Certification regarding Lobbying
- B.) Certification regarding Debarment, Suspension and Other Responsibility Matters
- C.) Certification regarding Drug-Free Workplace Requirements
- D.) FY 2011 Household Report
- E.) FY 2012 Program Integrity Assessment and Plan

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2012

GRANTEE Washington State Department of Commerce

EIN: 91-082-3820

ADDRESS 1011 Plum Street Southwest

Post Office Box 42525

Olympia, Washington 98504-2525

NAME OF LIHEAP COORDINATOR Cinqué Finnie

EMAIL: cinque.finnie@commerce.wa.gov

TELEPHONE: (360) 725-2855 FAX: (360) 586-0489

PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

**Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447**

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 04/30/2014

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The Washington State Department of Commerce agrees to:

(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of--

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: Dan McNamee

Title: DEPUTY DIRECTOR

Date: 8/23/11

* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.

** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION OF AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.

*** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory
references

2605(a)

2605(b)(1)

→ Please check which components you will operate under the LIHEAP program.
(Note: You must provide information for each component designated here as requested elsewhere in this plan.)

Dates of Operation

(use of
funds)

X heating assistanceOctober 1 – June 30

____ cooling assistance

X crisis assistanceOctober 1 – March 15X weatherization assistanceOctober 1 – September 30

2605(c)(1)(C) → Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of
funds)

58.420% heating assistance

____ % cooling assistance

12.750% crisis assistance

2605(k)(1)

15.000% weatherization assistance *

____ % carryover to the following fiscal year

2605(b)(9)

10.000% administrative and planning costs

2605(b)(16)

03.750% services to reduce home energy needs
including needs assessment (assurance 16)

00.080% used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).

100.000% **TOTAL**

* A waiver may be submitted after February 1 of the current program year to the federal Department of Health and Human Services (HHS), asking to use up to 25 percent of the LIHEAP funds for weatherization assistance. If approved, the waiver will allow local program contractors to use up to 25 percent of the LIHEAP funds for their service area for weatherization assistance services. The Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Public Law 101-501) allows states to submit waivers to increase the amount of LIHEAP funds allotted to weatherization assistance from 15 percent to 25 percent.

Submitting a waiver acknowledges that:

- Energy assistance is a short-term solution and weatherization is a long-term solution for meeting low income household energy needs
- Local community needs and strategies are different

Funds allocated to the state for use in programs authorized in the Act will be distributed as follows:

A. TRIBAL ALLOCATION

1. Energy Assistance Program

In accordance with the provisions of the Act [Section 2604(d)(1)], federally recognized tribes within the state may request and receive grants directly from the federal government to administer programs authorized under the Act. Tribes will have until November 15, to apply for a direct grant from the U.S. Department of Health and Human Services (HHS) for the Energy Assistance Program (EAP). Tribes that do not apply by November 15 will be assisted through the local service provider in their area.

The state has negotiated an agreement with HHS that specifies the percentage of the state's total allocation that each eligible tribe may receive if it chooses to contract directly with HHS.

The tribal set-aside will be reduced for each tribe that does not receive a direct grant from HHS. Commerce will not contract directly with tribal organizations to provide EAP with LIHEAP funds.

2. Weatherization Assistance Program

Tribal members will be served by local program contractors.

B. STATE ALLOCATION

1. Energy Assistance Program

Funds will be distributed to local program contractors using two variables:

- a. **Population in Need:** The number of households with incomes at or below 125 percent of poverty as defined by the 2000 Census data.
- b. **Average Household Benefit:** The average household benefit, for households with actual heat costs, from the previous three Program Years.

The following example illustrates how the formula is used:

$$\begin{aligned} \text{Households} \times \text{Average Household Benefit} &= \text{Need} \\ \text{Contractor's Need/Total State Need} &= \text{Agency Percentage} \end{aligned}$$

The Agency Percentage determines the share of the funds available for distribution to each contractor.

2. Weatherization Assistance Program

Funds will be distributed to local program contractors based on the following objectives:

- a. To provide a minimum funding level to each county to ensure that low income households have equitable access to weatherization services;
- b. To establish a \$10,000 minimum per county;
- c. To fund the minimum with both Department of Energy and LIHEAP resources;
- d. To use consistent formula variables, including:
 - i. Low income population; and
 - ii. Heating degree days for a nine-month term.

C. LEVERAGING FUNDS

Commerce will submit a leveraging incentive report to HHS that quantifies the amount of non-federal resources leveraged by Commerce and its contractors during the current Program Year. One hundred percent of the Energy Assistance Program's and the Weatherization Assistance Program's shares of leveraging incentive funds received from HHS will be distributed to contractors for direct services to eligible households.

1. Energy Assistance Program

The federal formula will be used:

- a. Fifty percent will be distributed based on the local contractor's percentage of the regular LIHEAP allocation; and

- b. Fifty percent on the dollars leveraged by the contractor compared to the total leveraged statewide.

2. Weatherization Assistance Program

All funds will be distributed by the existing weatherization formula (heating degree days and county low income population).

D. WASHINGTON STATE BASIC FOOD PARTNERSHIP

Commerce through an Interagency Agreement with the Department of Social and Health Services (DSHS) will pay an automatic minimum benefit of \$1 to categorically eligible households who participate in the Washington State Basic Food Partnership Program. This program is a simplified food assistance program for elderly and disabled Supplemental Security Income (SSI) recipients. The purpose of this program is to increase the percentage and amount of Basic Food Benefits for participating households.

These participants are categorically eligible for LIHEAP assistance based on their receipt of SSI and food stamps. We plan to pay an automatic minimum benefit to these categorically eligible households, which will be applied to the Basic Food Standard Utility Allowance, so that they will get additional food assistance. The minimum benefit applied to the SUA allowance allows for additional deductions to be taken and a possible increase in Basic Food benefits.

Those households that do not already receive a regular LIHEAP benefit through one of the 27 local Community Action Agencies, would be paid the minimum benefit and be notified that they can still apply through their local community action agency for a full LIHEAP benefit. This program will assure that these elderly and disabled households are made aware of the assistance available under LIHEAP and will coordinate LIHEAP with similar and related programs administered by the Federal Government and State of Washington, including SSI and Food Stamps.

The intent of this program is to generate additional financial resources for one of the most vulnerable groups of clients, so that they are better able to stay in their homes and keep the heat on. DSHS estimates that \$860,000 LIHEAP dollars will leverage approximately \$100 million in additional federal food benefits for low income households. (2011 statistic)

statutory
references

2605(c)(1)(C)

(alternate use
of crisis assistance
funds)

→ The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

 X heating assistance

 cooling assistance

 weatherization assistance

 Other(specify):

→ Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes X No

2605(b)(2)

2605(c)(1)(A)

→ What are your maximum eligibility limits?
(Please check the components to which they apply.)

Current year guidelines must be used.

(eligibility)

 150% of the poverty guidelines:
heating cooling crisis wx

 X 125% of the poverty guidelines:
heating X* cooling crisis wx

 110% of the poverty guidelines:
heating cooling crisis wx

 X 60% of the State's median income:
heating cooling crisis X** wx

 X Other (specify for each component)

200% of the poverty guidelines

 Households automatically eligible if one person is receiving
 TANF, SSI, Food Stamps, Certain means-tested
veterans programs (heating cooling crisis wx)

***Only households whose incomes are at or below 125 percent of the federally established poverty guidelines, and who meet other program eligibility criteria, may receive assistance through EAP.**

For these households, eligibility for EAP will be determined according to a household's gross income for 3 or 12 calendar months prior to the date of application.

Assistance may be provided to households who receive cash assistance under Title IV (Temporary Assistance for Needy Families) and Title XVI (Supplemental Security Income for the Blind, Aged and Disabled) of the Social Security Act.

For households receiving benefits from assistance programs (provided through the State of Washington Department of Social and Health Services - DSHS), as defined under Section I. CONGRESSIONAL PROGRAM ASSURANCES, Assurance (2), eligibility will be determined by using information in the applicant's DSHS client records.

Commerce will not differentiate in the provision of service between the households described above.

Client applications are used by contractors to determine household eligibility. The application includes the following information:

- **sources of verified income or benefits;**
- **address;**
- **social security number;**
- **number in the household;**
- **type of fuel;**
- **ages of household members;**
- **residents with disabilities;**
- **type of energy assistance, if any, provided during the program year; and**
- **type of housing.**

All income used to determine eligibility must be documented according to procedures defined by Commerce in the policies and procedures for LIHEAP EAP and LIHEAP Weatherization Assistance Program (WAP).

****LIHEAP - WAP, not to exceed 60 percent of state median income.**

statutory
references

2605(c)(1)(A)
2605(b)(2)
(eligibility)

→ Do you have additional eligibility requirements for:
HEATING ASSISTANCE X Yes _____ No)

→ Do you use:

Yes No

Assets test?

_____ X

→ Do you give priority in eligibility to:

Elderly?

_____ X

Disabled?

_____ X

Young children?

_____ X

Other:

X _____

(If Yes, please describe)

Contractors may target the specific allowable groups listed above for a brief period of time at the start of the contractor's direct service program. Targeted intake is not intended to exclude non-targeted household for more than a short initial period of time.

statutory
references

2605(c)(1)(A)
2605(b)(2)

→ Do you have additional eligibility requirements for:
COOLING ASSISTANCE (____ Yes X No)

(eligibility)

→ Do you use: Yes No

Assets test? _____ X

→ Do you give priority in eligibility to:

Elderly? _____ X

Disabled? _____ X

Young children? _____ X

Other: _____ X
(If Yes, please describe)

statutory
references

2604(c)
2605(c)(1)(A)

→ Do you have additional eligibility requirements for:
CRISIS ASSISTANCE (____ Yes X No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→ Do you use:		
Assets test?	_____	<u>X</u>
Must the household have received a shut-off notice or have an empty tank?	_____	<u>X</u>
Must the household have exhausted regular benefit?	_____	<u>X</u>
Must the household have received a rent eviction notice?	_____	<u>X</u>
Must heating/cooling be medically necessary?	_____	<u>X</u>
Other (Please explain):	_____	<u>X</u>

→ What constitutes a crisis? (Please describe)

See the "**Crisis Component**" section on pg 26.

statutory
references

2605(c)(1)(A)

→ Do you have additional eligibility requirements for:
WEATHERIZATION (X Yes ____ No)

(eligibility)

→ Do you use:

Yes No

Assets test?

____ X

Priority groups? (Please list)

X ____**A. Policy:**

Local agencies will provide weatherization program information to eligible households in their service area and ensure that those who want to apply have an opportunity to do so.

1. Special efforts will be made to inform households with members who are either:
 - a. Elderly (60 years of age or older).
 - b. Persons with disabilities.
 - c. Children under six years of age.
 - d. Hindered by communication barriers, such as those who do not understand English or do not have easy access to common public news media.
 - e. Native American, with particular emphasis on households residing on reservations.
2. Two priority categories have been added to provide flexibility to maximize program effectiveness.
 - a. High residential energy users.
 - b. Households with high-energy burden.

These are in no way mandatory and may be used in lieu of, or in any combination with, the existing priority categories. With these additional categories, local

agencies may be better able to partner with utilities and other programs to leverage additional resources into their programs.

→ Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics?

X _____

→ If Yes, are there exceptions?
Please list below.

_____ X

statutory
references2605(b)(3)
2605(c)(3)(A)

(outreach)

→ Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

X publish articles in local newspapers or broadcast media announcements.

X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

X make mass mailing to past recipients of LIHEAP.

X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

X execute interagency agreements with other low-income program offices to perform outreach to target groups.

X other (Please specify):

Particular emphasis will be placed on providing information on all programs funded under the LIHEAP Act to households which contain high home energy burdens; the elderly; individuals with disabilities; families with young children (under six years of age); and persons and families who are subject to communication barriers (non-English speaking persons and persons who do not have easy access to common public news media, such as newspapers, radio, or television).

statutory
references

2605(b)(4)

→ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

Commerce will coordinate with similar and related programs administered by the federal government, other Washington State agencies, local governments and energy suppliers. This will be accomplished through the following activities, including but not limited to: interagency agreements, contracts, vendor agreements, regional roundtable meetings, advisory groups, and ongoing contacts.

One of the interagency agreements Commerce will enter into is with the State of Washington Department of Social and Health Services to provide income verification services to local program contractors.

All contractors are encouraged to utilize volunteer services to support program activities. Contractors are expected to access employment and training programs.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

→ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit
levels)

The same eligibility and benefit determination policies and procedures are used for both non-categorically and categorically eligible households.

In Washington State the threshold for income eligibility is 125 percent of FPL. Participants of the Basic Food Partnership are eligible for additional LIHEAP benefits if income is at or below 125 percent of FPL. For Basic Food Partnership households, which are categorically eligible, with income above 125 percent, are only eligible for a \$1 benefit.

Benefits will be subject to a maximum of \$1,000 and minimum of \$25. Basic Food Partnership participants will be subject to a maximum of \$1,001 and minimum of \$1.

statutory
references

HEATING COMPONENT

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):

(determination
of benefits)

- ☒ income
- ☒ family (household) size
- ☒ home energy cost or need
 - ☒ fuel type
 - ☐ climate/region
 - ☒ individual bill
 - ☒ dwelling type
 - ☐ energy burden
(% of income spent on home energy)
 - ☐ energy need
 - ☒ other (describe)

When actual home energy (heat) costs are not available, back-up heat cost charts will be used. These charts will be developed based on actual heat costs from the previous Program Year's data for electric and natural gas heated households, and for oil and propane heated households, if adequate data is available. Average heat use by fuel type and other regionally specific data will be used for other fuel types.

2605(b)(5) → Describe how you will assure that the highest benefits go to households
2605(c)(1)(B) with the lowest incomes and the highest energy costs or needs in relation
to income, taking into account family size.
(benefit Please describe benefit levels or attach a copy of your payment matrix.
levels)

A mathematical formula that uses individual household income, household size, and annual heat costs will determine benefits. Households at zero percent of poverty* will receive a benefit equal to 90 percent of their annual heat costs, and households at 125 percent of poverty will receive a benefit equal to 50 percent of their annual heat costs. All households with incomes between zero and 125 percent of poverty will receive benefits which range between 50 and 90 percent of their annual heat costs. Benefits will be subject to a maximum of \$1,000 and minimum of \$25. Basic Food Partnership participants will be subject to a maximum of \$1,001 and minimum of \$1.

If 12 months actual heat costs are not available, "surrogate" or historical dwelling heat costs may be used. These are costs that have been incurred by the previous residents of the applicant's dwelling.

Back-up heat cost charts will be developed for: households that heat with wood; for oil and propane heated households without 12 months of vendor receipts; for electric and gas heated households without 12 months billing history; and for households whose heat is included in their rental payments. These charts will be based on actual heat costs from the previous Program Year's data for electric and natural gas heated households; if possible, oil and propane heated households; and on average heat use by fuel type and other regionally specific data for other fuel types.

A percentage of the back-up heat costs will be used, depending on the housing type:

- 1) 100 percent - Single family detached, duplex and triplexes; and mobile homes that are 40 feet or longer.
- 2) 75 percent - Four-plexes up to, but not including high rises.
- 3) 60 percent - High rises and recreational vehicles which are not heated by propane and are 40 feet or less.
- 4) 40 percent - Recreational vehicles which are heated by propane and are 40 feet or less.

*Income is adjusted for family size by allowing a higher 125 percent income threshold for each additional household member per the Federal Poverty Level data.

An additional percentage of 25 percent of the back-up heating costs, after the housing type is considered, is applied for roomer/boarder households.

→ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

X Yes ___ No If Yes, please describe.

See the "Crisis Component" section on pg 26.

statutory
references

2605(b)(5)
2605(c)(1)(B)

(determination
of benefits)

COOLING COMPONENT

→ Please check the variables you use to determine your benefit levels
(check all that apply):

- ☐ income
- ☐ family (household) size
- ☐ home energy cost or need
 - ☐ fuel type
 - ☐ climate/region
 - ☐ individual bill
 - ☐ dwelling type
 - ☐ energy burden
 - ☐ (% of income spent on home energy)
- ☐ energy need
- ☐ other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit
levels)

→ Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

In Washington State benefits are based on income levels. We have target benefit levels. For example benefit percentage should be targeted at 90% for clients with no income, 70% benefit at 100% of FPL, and 50% benefit at 125% of FPL

→ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

☒ Yes ☐ No If Yes, please describe.

For clients that may have issues with heat related crisis situation, especially in cases where the heat system is not functioning we may provide space heaters or other emergency supplies until the situation is resolved. Resolution is when heat systems become operable.

statutory
references

2605(b)(5)
2605(c)(1)(B)

CRISIS COMPONENT

(determination
of benefits)

→ How do you handle crisis situations?

_____ separate component X other (please explain)

Households facing energy related emergencies including weather related and supply shortage emergencies, must be served by a "fast track" or expedited procedure which ensures that:

- for life threatening energy crises, the crisis must be relieved within 18 hours of application; and
- for non-life-threatening energy crises, the crisis must be relieved within 48 hours of program application.

Priority will be given to persons facing life or health threatening situations.

Local program contractors must ensure that energy crises are responded to through March 15.

The following (including but not limited to) constitutes a crisis: a disconnection notice; notice of termination from a budget or average payment plan; less than a ten-day supply of oil, wood, or propane; insufficient funds to reorder; and a substantially dysfunctional or unsafe heating system.

Contractors are authorized to provide any of the following forms of assistance, or a combination thereof, which best resolves a given emergency situation:

A. EAP BENEFIT

B. OTHER EMERGENCY SERVICES

The maximum benefit for all Other Emergency Services (OES) is up to \$6,000 (local program contractor option).

1. Heat System Repair or Replacement

The household's furnace or primary heating system must be inoperative, substantially dysfunctional, or unsafe; the repair/replacement work must be cost-effective; and the applicant must be the owner of the dwelling.

There is a \$5,000 maximum for Heating Systems Repair or Replacement Services plus any Other Repairs and Services (see #2. below) which may have been provided.

Under the provisions of Section 2605(b)(8)(B), homeowners and renters will not be treated differently except in instances where the service provided is furnace repair or replacement or repairing broken water pipes. Furnace repair or replacement and repairing broken water pipes is only available to eligible low income owner-occupied households. State law requires rental owners to maintain all electrical, plumbing, heating, and other facilities and appliances supplied by the rental owner in reasonably good working order [RCW 59.18.060(7)]; therefore, using LIHEAP funds to repair furnaces or water pipes in non-owner occupied housing is unallowable. This applies to the Energy Assistance Program only.

2. Other Repairs and Services

Contractors can choose among the following list of Other Emergency Services to help applicants relieve energy crises, but must not exceed \$1,000.00.

- Provide blankets, space heaters, and other emergency supplies.
- Repair broken water pipes when they are an integral part of a primary heating system (such as steam heat) or a broken pipe does not allow for the continued use of the primary heating system.
- Replace broken or missing windows.
- Provide limited roof repair when roof condition and inclement weather combine to pose a threat to life or health of the occupants.
- Pay non-heating costs included in a total utility bill, such as water or sewer, to ensure continuation of the heating energy.
- Purchase a small generator to serve as an emergency back up for a life-support system.
- Provide temporary shelter to an eligible household with an eviction notice or a household without shelter. Within program limits, assistance may be provided to secure the residence for a full calendar month.

*Each local program contractor will have the option of adopting an "agency specific" benefit amount, not to exceed the \$6,000 maximum (\$1,000 for Other Repairs and Services and \$5,000 for Heat System Repairs and Replacement). Agencies must document adopted OES maximum benefit amounts, and apply those maximums consistently with all clients.

→ If you have a separate component, how do you determine crisis assistance benefits?

_____ amount to resolve crisis, up to maximum

_____ other (please describe)

(benefit
levels)

→ Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$1,000.00 maximum benefit

cooling \$ _____ maximum benefit

year-round \$ _____ maximum benefit

→ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

 X Yes No If Yes, please describe.

See Determination of Benefits; Section 2 above

statutory
references

2605(b)(5)
2605(c)(1)
(B) & (D)

**WEATHERIZATION & OTHER ENERGY RELATED
HOME REPAIR AND IMPROVEMENTS**

→ What LIHEAP weatherization services/materials do you provide?
(Check all categories that apply.)

(types of
assistance)

☒ Weatherization needs assessments/audits.
☒ Caulking, insulation, storm windows, etc.
☒ Furnace/heating system modifications/repairs
☒ Furnace replacement
☐ Cooling efficiency mods/repairs/replacement
☒ Other (Please describe)

Health and Safety, Weatherization Related Repairs

(benefit
levels)

→ Do you have a maximum LIHEAP weatherization benefit/expenditure
per household? ☐ Yes ☒ No

If Yes, what is the maximum amount? \$ _____

→ Under what rules do you administer LIHEAP weatherization? (Check
only one.)

(types of
rules)

☐ Entirely under LIHEAP (not DOE) rules
☐ Entirely under DOE LIWAP rules
☒ Mostly under LIHEAP rules with the following DOE LIWAP rule(s)
where LIHEAP and LIWAP rules differ (Check all that apply):

☐ Weatherize buildings if at least 66% of units (50% in 2- &
4-unit buildings) are eligible units or will become eligible within
180 days

☐ Weatherize shelters temporarily housing primarily low
income persons (excluding nursing homes, prisons, and similar
institutional care facilities).

☐ Other (Please describe)

☒ Mostly under DOE LIWAP rules, with the following LIHEAP
rule(s) where LIHEAP and LIWAP rules differ (Check all that
apply.)

X Weatherization not subject to DOE LIWAP maximum
statewide average cost per dwelling unit.
X Other (Please describe.)

Not subject to DOE limits on weatherization related repair.

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

	<u> </u> county welfare offices
	<u> X </u> community action agencies (weatherization component only)
	<u> X </u> community action agencies (heating, cooling or crisis
(agency	<u> </u> charitable organizations
designation)	<u> </u> not applicable (i.e. state energy office)
	<u> </u> tribal office
	<u> X </u> other, describe:

A description of how Commerce will delegate service delivery responsibilities for programs funded under the Act through binding written agreements, follows:

A. LOCAL CONTRACTORS

Primary service delivery for Energy Assistance Program and LIHEAP Weatherization Assistance Program will be accomplished under contracts with community-based nonprofit agencies, housing authorities and local governments, referred to as contractors.

As specified in the Act [Section 2605(b)(6)], Commerce has given special consideration to designating local public or nonprofit administering agencies which receive federal funds for energy assistance programs under the 1964 Economic Opportunity Act. Agencies must continue to demonstrate fiscal accountability and program effectiveness. If, in a particular area, such programs or agencies have been terminated then a successor agency, which operates in substantially the same manner, will be considered.

1. Contractor Application

All agencies identified as eligible to receive funds are required to submit a standard application on forms provided by Commerce. The application must be approved by the applicant's governing or agency advisory board and be signed by the board chair or his or her designee.

Applications for units of local government must be approved by the city or county council and be signed by the council chair or designee.

2. Contracts

Commerce requires the contractor to inform potentially eligible households of the assistance available; to ensure that persons who wish to apply can do so; to determine and certify the eligibility of applicants; and provide assistance to eligible clients, within the limits of available funding.

If Commerce determines that a contract should be terminated because of fiscal or program mismanagement or for other reasons, Commerce will identify and contract with an alternative service delivery agency, in accordance with this section of the plan. Every effort will be made to contract with a local community-based organization that meets all of the requirements contained in the Low Income Home Energy Assistance Act. Selection of the replacement contractor will be made after consultation with representatives of local government and community organizations in the affected service area.

Commerce may, in the course of the program year, conduct ongoing reviews of contractor performance, both programmatic and fiscal. Failure of contractors to meet performance objectives may result in the reallocation of funds from one contractor to another.

→ Have you changed local administering agencies from last year?
_____ Yes X No

If Yes, please describe how you selected them.

→ What components are affected by the change?

2605(c)(1)(E) → Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. (This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)

(targeting of
assistance)

For LIHEAP WAP, Washington State's use of the Targeted Residential Energy Analysis Tools (TREAT) as its authorized computerized audit tool for all weatherization programs funded by Commerce. Commerce will continue to support the implementation and use of TREAT in Washington State by providing live classroom instruction, regularly scheduled online seminars (webinars), and assistance from the Monitor and Compliance team at Commerce.

Each contracted agency is responsible for ensuring that all staff performing energy audits acquire and maintain proficiency using TREAT. Commerce expects agencies to calculate, maintain, and document current costs to be used in the TREAT modeling process.

Local agencies must use TREAT for the prioritization and demonstration of installed measures for all multifamily buildings consisting of five or more connected units.

For FFY2012, local agencies may use the approved single family priority list to install weatherization measures.

statutory
references

2605(b)(7)
(energy
suppliers)

→ Do you make payments directly to home energy suppliers?

Heating X Yes No

Cooling Yes No

Crisis X Yes No

If Yes, are there exceptions? X Yes No

If Yes, please describe.

When the household's primary heating vendor will not sign a vendor agreement; all heating costs are paid as a portion of a household's rental payment; heating energy bills have been previously paid and the household declares a financial hardship; the energy bill is not in the name of an adult household member; or wood is the primary heating source and there is no vendor agreement.

When a household declares a financial hardship a cash payment will be made in the amount of heating energy bills incurred after September 30 of the current program year, not to exceed benefit limits. Documentation must be provided showing proof of payment.

2605(b)(7)(A)

→ If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

Written notification; either a copy of the application form or a separate award letter.

2605(b)(7)
(B) & (C)

→ How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

When vendor payments are made, a vendor agreement is required.

The vendor agreement describes the responsibilities of the contractor, utility companies, and Commerce for making energy assistance payments to the utilities on behalf of low income households. Those responsibilities include proper accounting of federal funds, providing equitable services, describing the timelines for making payments and crediting low income customer accounts, describing the type of utility data that will be collected and analyzed, describing how problems and concerns will be addressed, and ensuring compliance with federal and state laws and regulations.

Payments will be made to vendors to establish a line of credit for the household and/or for energy costs incurred by the household.

(a) Lines of Credit

Payments will be made to an energy vendor to establish a line of credit for the household when the household and the vendor are willing and the amount of the credit is shown on the customer's bill except for wood vendors.

(b) Payment of Bills

Contractors will make payments to vendors on behalf of the eligible household in the amount of any unpaid bill (up to the benefit limit) pertaining to costs incurred for heating energy usage, and required deposits and other incidental charges related to restarting or maintaining the supply of energy for heating. This does not include repair of furnaces or other heating mechanisms.

Contractors shall notify the client when a payment has been made on their behalf. Such notice may be made by the contractor at the time application is made, if the contractor is prepared to provide assistance on behalf of the client.

Vendor agreements must include specific provisions for vendors to:

- (a) Charge eligible households, in the normal billing process, the difference between the actual cost of the home energy and the amount of the energy assistance payment provided by Commerce through its contractors;
- (b) Reflect the amount of the household's credit balance on customer billing documents where a lump sum energy assistance payment is made to the vendor on the household's behalf;
- (c) Not treat adversely any household which receives energy assistance payments;
- (d) Not discriminate, either in the cost or amount of goods or services supplied or procedures or regulations applied, against eligible households on whose behalf energy assistance payments are made; provided that programs, rates or services which are discounted, reduced, eliminated or waived due to income level, disability, or similar criterion or standards, shall not be considered discriminatory under this agreement;
- (e) Maintain and provide certain data to the contractor and Commerce; and
- (f) Apply energy assistance payments to the current account at the current address.

Vendor agreements may include specific provisions for vendors to:

- (a) Pay interest on deposits and, under the conditions set forth in the regulations WAC 480-90-051 (6) and (10), WAC 480-100-051 (6) and (10), or Local Municipal Code, as applicable, return the deposit with any accrued interest to the customer;
- (b) Apply energy assistance payments only to costs incurred since October 1 of the current program year; and
- (c) Alleviate the energy burdens of eligible households, including entering into agreements with applicants that seek to reduce home energy costs, minimize the risks of home energy crises, and encourage regular payments.

Additional provisions may be added to help clarify program needs and requirements.

statutory
references

2605(b)(8)(B)

→ Is there any difference in the way owners and renters are treated? If
Yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

X Yes _____ No

Only owner-occupied households may receive heat system repair or replacement, or similar services to resolve a crisis. State law requires rental owners to maintain all electrical, plumbing, heating, heating, and other facilities and appliances supplied by the rental owner in reasonably good working order.

COOLING ASSISTANCE

_____ Yes _____ No

Not applicable. No cooling component in WA.

CRISIS ASSISTANCE

_____ Yes X No

WEATHERIZATION

_____ Yes X No

statutory
references

2605(b)(10)

→How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

(program,
fiscal
monitoring,
and audit)

Commerce internal control systems include: annual contractor financial and compliance audits, monthly budget-to-expenditure controls, and periodic monitoring of contractors by Commerce staff.

An initial advance payment will be issued if: sufficient funds are available from HHS; Commerce has received from a contractor the signed contract and a payment request for the first half of October; and the previous Program Year contract has been adequately reconciled. If funds from HHS are delayed or awarded incrementally, Commerce will impose a spending limit. Payments made under the contract will be limited until complete funding is awarded and the spending limit is eliminated.

Advance and reimbursement payment systems will be used after the initial advance payment. The EAP Policy Manual specifies the payment systems to be used by Commerce and its contractors. Upon final reconciliation at the end of the program year, unspent funds will be recovered by Commerce and a plan for their use developed and submitted to HHS.

Commerce maintains a system that ensures fiscal control internally and with its local contractors.

→How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Commerce representatives monitor each program contractor on site every three years to ensure that LIHEAP is managed effectively, and complies with federal and state statutes and regulations as well as the program policies and procedures. This includes reviewing financial management systems, reporting practices, outreach activities, eligibility determination, client file documentation, and other service delivery activities. A corrective action plan may be required to address issues raised during the review. A monitoring review report sent to the contractor's Executive Director includes findings and corrective action plan items to be addressed.

A risk assessment is completed annually to determine the most current determined level of risk for a contractor. The risk assessment results may affect the timing of onsite monitoring visits by increasing their frequency in correlation to the level of determined risk.

For every year an onsite monitoring visit is not performed, the contractors are required to complete a desk audit to be submitted to Commerce with all requested documentation. The desk audit process reviews the same agency and program activities as the onsite monitoring process.

Client applications are entered directly onto the Commerce secure LIHEAP website (or for agencies with their own software, client application data is uploaded to the website) to prevent duplication of service. The website contains a number of report options, including a summary of demographic data.

Commerce representatives will provide training and technical assistance to contractors. Assistance will include but is not limited to, the interpretation of pertinent legislation, regulations, and policies; advice and assistance to improve program activities such as outreach, management and fiscal control, contractor-energy vendor communications; and coordination with other energy programs.

→How is your LIHEAP program audited?

Under the Single Audit Act? X Yes ____ No
If not, please describe:

For States and Territories:

→Is there an annual audit of local administering agencies? X Yes ____ No
If not, please explain.

statutory
references

2605(b)(12)

→How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

(timely and
meaningful
public
partici-
pation)

Several work groups advise Commerce on policies and procedures contained in the plan as well as program operating procedures and weatherization specifications: the Energy Assistance Work Group, Weatherization Work Group, and Weatherization Technical Development Committee. The work groups include contractor program coordinators, and utility and legal services representatives. The contractors' Executive Directors also provide input on policy changes.

The state plan was distributed for review and comment to all contractors administering the programs, Washington State Department of Social and Health Services (DSHS), and other identified interest groups or organizations.

The following received a notice that the state plan was available for review: county commissioners and mayors, regional councils of government, three DSHS Regional Offices, Washington Tribes and Tribal organizations, Area Agencies on Aging, housing authorities, major utility companies, and legal services programs.

2605(a)(2)

→Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

X Yes No

(Not required for Tribes and tribal organizations)

(public
hearings)

A public hearing was conducted on July 6, 2011 in Olympia, Washington, to facilitate timely and meaningful review and comment as required by Sections 2605 (b) (12) and (c) (2) of the Act. There was no public participation at the hearing.

The Washington State Legislature will also review the plan during the fall of 2012.

statutory
references

2605(b)(13)

→ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair
hearings)

→ Denials

All applicants are informed of their rights to a fair hearing by signing the Household Information Form (HIF), which is the application form used by the households to apply for assistance. The HIF contains the following sentence (just above the date and applicant signature line), relating to applicant fair hearing rights:

"I further understand that I may request a Fair Hearing if the provision of the above information is not acted on to determine my eligibility within a reasonable time or if I do not receive benefits for which I feel I am eligible."

Applicants are required to request a fair hearing within 30 days of receiving notice of approval or denial. Fair hearings must be conducted by Commerce within 30 calendar days of receiving the request. An extension is permitted when mutually agreed to by Commerce, the contractor, and the applicant. A written decision must be mailed to the applicant within ten working days of the hearing.

Contractors may, at their discretion, reserve funds in case a denial is overturned and an applicant is determined eligible for assistance.

→ Applications Not Acted On In a Timely Manner

The process is the same as stated above under "Denials".

statutory
references

2605(b)(15)

For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

→ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate
outreach
and intake)

HEATING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

COOLING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

CRISIS ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

statutory
references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

 X Yes No

If Yes, please describe these activities.

Costs that are not administrative in nature but are used for activities which encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments related to energy budget management, payment plans, and related services, assistance with energy vendors to encourage responsible vendor and consumer behavior, and related client counseling.

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

The LIHEAP Contract Application Packet and the LIHEAP Block Grant Expenditure Report/Request for Reimbursement Form, required from local program contractors, contain budget line items for activities reportable under Assurance 16. Budget and expenditures are monitored not less than monthly. Annual on-site or desk monitoring will include a review of the activities under this assurance.

statutory
references

2607A
(leveraging) → Please describe leveraging activities planned for the fiscal year. (This entry is optional.)* Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

Local LIHEAP contractors are encouraged to leverage non-federal energy resources for low income households. All leveraged resources reported for the current Program Year will meet the following criteria:

- Base eligibility on income at or below 125 percent of the federal poverty level or comparable income guidelines;
- Supplement (through fuel funds, discounts and credits, charitable donations of fuel and cash) energy assistance and weatherization services available to low income citizens of Washington State to integrate or coordinate with the state's LIHEAP; and
- Meet all provisions of the federal regulations 45 CFR Part 96, Block Grant Programs - Final Rule, issued May 1, 1995, contained in the Federal Register (Volume 60, Number 83, pp. 21322-21364).

A. ENERGY ASSISTANCE PROGRAM

Reported leveraged resources will increase energy assistance options for low income households, are a net addition to their home energy resources, and are coordinated with the provision of LIHEAP benefits throughout the Program Year. Coordination efforts include determining eligibility (verifying income and other client data), providing the benefit to the client, making payment arrangements with the utility, and conducting outreach, information, and referral services.

Each resource falls into one of three categories: cash based utility sponsored fuel fund, utility sponsored discount or credit, or community donation or service which represents additional dollars going back to local areas' Energy Assistance Programs, as a result of their contributions. The resources that will be reported for the previous Program Year include, but are not limited to the following:

Cash Based Utility Sponsored Fuel Fund Programs

Avista	Mason County PUD No. 3
Benton County PUD	Northwest Natural Gas
Cascade Natural Gas	Okanogan County PUD
Chelan County PUD	Pacific County PUD
City of Richland	PacificCorp
Clallam County PUD	Pend Oreille County PUD
Clark County PUD	Port Angeles City Light
Franklin County PUD	Puget Sound Energy
Grant County PUD	Seattle City Light
Grays Harbor PUD	Skamania County PUD
Inland Power and Light	Snohomish County PUD
Klickitat County PUD	Tacoma Public Utilities
Mason County PUD No. 1	

Utility Sponsored Discount or Credit Programs

Avista	Grays Harbor PUD
Benton County PUD	Klickitat County PUD
Chelan County PUD	PacificCorp
City of Cashmere	Seattle City Light
City of Richland	Skamania County PUD
Clark County PUD	Snohomish County PUD
Franklin County PUD	Tacoma Public Utilities

Community Charitable Donations

Benton-Franklin Community Action Committee
Blue Mountain Action Council
Central Area Motivation Program
Chelan-Douglas Community Action Council
Clark County Department of Community Services
Coastal Community Action Program
Community Action Partnership (Asotin County)
Community Action Center (Whitman County)
Community Action Council of Lewis, Mason and Thurston Counties
Hopelink
Hopesource
Kitsap Community Resources
Lower Columbia Community Action Council
Metropolitan Development Council
Multi-Service Center (South King County)
Okanogan County Community Action Council

Olympic Community Action Programs
Opportunity Council
Opportunity Industrialization Center of Washington
Pierce County Dept. of Community Services
Rural Resources
Skagit County Community Action Agency
Snohomish County Human Services Department
Spokane Neighborhood Action Partnerships
Washington Gorge Action Programs
Yakima Valley Farm Workers Clinic (lower Yakima Valley)

The resources listed below provide an example of the main types of resources operating within Washington State:

1. Cash Based Utility Sponsored Fuel Fund

The Energy Fund

- Puget Sound Energy in partnership with the Salvation Army administers a fuel fund in all Puget Sound Energy service areas statewide.
- Puget Sound Energy, the Salvation Army, and local LIHEAP contractors coordinate information, referral, outreach, and client assistance services. LIHEAP is accessed first, before an Energy Fund pledge is given to clients. All three parties discuss clients, coordinate services, and work together cooperatively before and during the energy program season. This includes coordinating funding to assist clients in need.

2. Utility Sponsored Discount or Credit Program

Senior/Disabled Citizen Discount Program

- Grays Harbor County Public Utility District No. 1 (PUD) operates a rate discount program in direct cooperation with Coastal Community Action Program (CAP), the LIHEAP contractor in Grays Harbor and Pacific Counties.
- The PUD distributes the applications to Coastal CAP. The CAP then screens clients for eligibility, takes applications, verifies income and residency, and forwards the applications to the PUD for payment processing.

3. Community Donations

Fuel Assistance Program - Charitable Donations

- Churches, businesses, community organizations and citizens donate directly to the Chelan-Douglas Community Action Council.

- Citizens and community service organizations formed an alliance and referral network with the Chelan-Douglas CAC to coordinate charitable funds and other donations to benefit low income households' energy needs.
- The funds are distributed by the Community Action Council to households once their LIHEAP benefits have been exhausted, or the household is over 125 percent of poverty or the household has received assistance and is still in need.
- Donations of cash, wood, or other energy assistance items (made through local nonprofit associations, businesses, citizen groups, churches, etc., and then provided to community action agencies), are made available to low income LIHEAP leveraging program-eligible clients.

B. WEATHERIZATION

Each of the non-federal resources increases the weatherization measures applied to homes of low income households.

Resource activities include: labor, transportation, and material costs associated with installing weatherization measures and making weatherization-related repairs on the homes of low income households.

These resource activities meet the first and third criteria described in 45 CFR 96.87(d)(2).

In most cases, the weatherization work will be completed by local agencies operating the Low Income Weatherization Assistance Program. In a few cases, a utility funding the work will be engaging private contractors to do the weatherization work, but coordinates the outreach and intake for the program with the local LIHEAP weatherization program.

Utilities and materials and equipment suppliers may provide low income weatherization program operators with donated or discounted weatherization-related materials and equipment.

Building owners may be asked to donate time or pay the cost of installing weatherization measures or making weatherization-related repairs.

Communities leveraging the resources mentioned above will be rewarded with a grant from Commerce's state-funded Matchmakers Program. Matchmakers contracts will be used by Commerce's LIHEAP weatherization program operators to increase the number of LIHEAP eligible homes weatherized.

statutory
references

2605(b)

→ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

(performance)
goals and
measures)



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[Site Index](#)
[Contact Us](#)[Search](#)

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Dan McGinnis
ASST. DIR.
WA STATE DEPT of COMMERCE



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[Site Index](#)
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1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may

terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of

work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.
 Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT.)**
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: _____
- * One of the requirements included in the 1994 reauthorization of the statute is that state grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.
- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.